

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.) Case No. 4:20-CR-00212
)
DEBRA LYNN MERCER-ERWIN (1))
KAYLEIGH MOFFETT (2))
)
Defendants.

SUBPOENA DUCES TECUM

TO: Deloitte & Touche, LLP
c/o Grace Howe
1919 N. Lynn Street
Arlington, VA 22209

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents at the place, date, and time specified below:

DOCUMENTS TO BE PRODUCED

Any and all documents in your possession as follows:

- (1) Copies of all contracts or agreements concerning Contract Number: GS-00F-029DA for the contract period December 4, 2015 – December 3, 2025.
- (2) Any and all 1099 forms or other documents¹ evincing income paid to

¹ The term "document" is used herein in its customary broad sense and means any kind of printed, recorded, written, graphic, or photographic matter (including tape recordings), however printed, produced, reproduced, coded, or stored, of any kind or description, whether sent or received or not, including originals, drafts, copies, non-identical copies or reproductions, summaries, reports, data compilations, and tabulations, whether stored by mechanical, photographic or electronic means (including data processing or stored data of all types). The term "document" shall also include, but not be limited to, the following: Any writing, drawing, graph, chart, plat, map, photograph, motion picture film, phonograph record, tape and video recording, or any other records or data compilations from which information can be obtained. The term "document" shall also include, without limitation, each note, memorandum, letter, email, work paper, minutes, spreadsheet, diary, forecast, blueprints, index, contract, agreement, opinion,

Deloitte & Touche, LLP for work performed concerning Contract Number: GS-00F-029DA for the contract period December 4, 2015 – December 3, 2025.

- (3) Any and all 1099 forms or other documents evincing income paid to Deloitte & Touche, LLP for work performed concerning United Statement of *America v. Debra Lynn Mercer-Erwin et al.*, United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:20-CR-00212.
- (4) Complete copies of any and all files regarding work performed for the case of United Statement of *America v. Debra Lynn Mercer-Erwin et al.*, United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:20-CR-00212 including, but not limited to, records, documents, reports, e-mails, notes, correspondence, faxes, audio recordings, video recordings, photographs, papers, computer files, letters, memorandums, payments, and invoices.
- (5) All communication² between the between the prosecutors, investigators representative of the United States of America and Deloitte & Touche, LLP

appraisal, brochure, pamphlet, literature, training material or information, operation information or operational instructions/manuals, PowerPoint or other presentation, article, analysis, transcript, and any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced; and any other document or writing of whatever description, including, but not limited to, any information contained in any computer, although not yet printed out.

² “Communication” means any oral, written, mechanical, electronic, or other transmission of words, symbols, numbers, or depictions to a person, entity, file, or repository of data or information, including, but not limited to, correspondence, letters, emails, memoranda, telephone conversations, or notes, recordings, transcriptions of meetings or of telephone conversations, or any other document that recorded or reflected any such communication.

concerning the case of United Statement of *America v. Debra Lynn Mercer-Erwin et al.*, United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:20-CR-00212.

- (6) (6) Complete copies of all of Deloitte & Touche, LLP's written protocols, policies, and procedures concerning Contract Number: GS-00F-029DA for the contract period December 4, 2015 – December 3, 2025 and that applies in any way to the work performed concerning United Statement of *America v. Debra Lynn Mercer-Erwin et al.*, United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:20-CR-00212.

DATE AND TIME

Monday, April 17, 2023, at 10:00 a.m. CDT

PLACE

The United States District Court for the Eastern District of Texas, Sherman Division, District Courtroom for District Judge Amos L. Mazzant, III.

This Subpoena is authorized pursuant to **Federal Rule of Criminal Procedure 17**, which provides:

(c) PRODUCING DOCUMENTS AND OBJECTS.

(1) *In General.* A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) *Quashing or Modifying the Subpoena.* On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) *Subpoena for Personal or Confidential Information About a Victim.* After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) SERVICE. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) PLACE OF SERVICE.

(1) *In the United States.* A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

HERETO fail not, under penalty of law.

Dated this 13th day of April, 2023.

ISSUING OFFICER SIGNATURE, TITLE, AND ADDRESS:

Respectfully submitted,

s/ Joe E. White, Jr.

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Attorneys for Defendant Debra Mercer-Erwin

CERTIFICATE OF DELIVERY

I hereby certify that on this 13th day of April, 2023, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing, which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Joe E. White, Jr. _____

JOE E. WHITE, JR.